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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/974,762	10/09/2001	Joseph Ovadia	244/1/030	7030	
75	90 10/20/2004	•	EXAM	EXAMINER	
Richard M. Goldberg			GEHMAN, BRYON P		
25 East Salem S Suite 419	treet		ART UNIT	PAPER NUMBER	
Hackensack, NJ 07601			3728		
			DATE MAIL ED: 10/20/200	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

	·	Application No.	Applicant(s)				
Office Action Summary		09/974,762	OVADIA, JOSEPH				
		Examiner	Art Unit				
		Bryon P. Gehman	3728				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHOTHE I - Exter after - If the - If NO - Failu Any r earne	ORTENED STATUTORY PERIOD FOR REF MAILING DATE OF THIS COMMUNICATION resions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reperiod for reply is specified above, the maximum statutory perion to reply within the set or extended period for reply will, by state the period by the Office later than three months after the material part of the provision of the provisio	N. 1.136(a). In no event, however, may a reply be ti reply within the statutory minimum of thirty (30) da od will apply and will expire SIX (6) MONTHS fron tute, cause the application to become ABANDONI	imely filed ys will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133).				
Status							
2a) <u></u> □	Responsive to communication(s) filed on <u>03 November 2003</u> . This action is FINAL . 2b) This action is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
 4) Claim(s) 1-13 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-13 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 							
Applicati	on Papers						
10)	The specification is objected to by the Exam The drawing(s) filed on is/are: a) a Applicant may not request that any objection to the Replacement drawing sheet(s) including the corrupt the oath or declaration is objected to by the	eccepted or b) objected to by the he drawing(s) be held in abeyance. Se rection is required if the drawing(s) is o	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.121(d).				
Priority (under 35 U.S.C. § 119						
12)[_] a)[Acknowledgment is made of a claim for fore All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the p application from the International Bur See the attached detailed Office action for a	ents have been received. ents have been received in Applica riority documents have been receive eau (PCT Rule 17.2(a)).	ition No ved in this National Stage				
2) Notice 3) Infor	et(s) ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/ cer No(s)/Mail Date						

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1. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 6, "the surface of the base" lacks antecedent basis. In line 7, "said first....side wall" lacks clear antecedent basis, as line 4 does not distinguish one such wall.

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In claim 4, lines 1-2, "said first and second winged projections" lack antecedent basis from parent claim 1. See also claims 5 and 6.

In claim 5, line 2, "said first and second.....wall" is grammatically or otherwise indefinite, as what comprise a single "first and second" wall? See also claim 6.

In claims 7 and 8, line 2 of each, "the plane of the base" lacks antecedent basis.

In claim 9, lines 1-2, "said second....side wall" lacks clear antecedent basis, as claim 1, line 4 does not distinguish one such wall.

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser (5,547,072) in view of Ovadia (6,029,829). Kaiser discloses a unitary molded clip for displaying and storing jewelry, comprising a base (16), with sidewalls (46-50 or 62-64), and a jewelry-engaging tab (60). Ovadia discloses a jewelry-engaging structure including a jewelry-engaging tab (18) and first and second winged projections (20). To modify the jewelry-engaging structure of Kaiser employing the jewelry-engaging structure of Ovadia would have been obvious in order to better secure the jewelry within the recess, as suggested by Ovadia.

As to claims 5-8, the shape and angling of the recess would not appear to distinguish any difference except as to appearance or shaped for particular contents.

As to claims 10 and 12-13, resilient plastic is discloses by both employed references.

As to claim 11, Kaiser discloses molding the clip, the manner of molding not seen as being patentably distinguishing, as injection molding is old and well known.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

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application was filed, had possession of the claimed invention. In claim 1, lines 4-6, the sidewalls are defined as forming the boundaries of the recess. However, in the specification, the sidewalls (5) are defined as the outside limits of the base. It is not clear if the sidewalls in the claim are not defined in the specification, or alternatively, how the sidewalls (5) of the base form boundaries of the recess set forth in the claim.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are recessed jewelry-holding structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is presently (703) 605-1174 and effective November 9, 2004, becomes (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached presently on (703) 308-2672 and after November 9, 2004 on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4555 effective November 9, 2004.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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Bryon P. Gehman Primary Examiner Art Unit 3728

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